~~191~~

(Sep. Rev.)

File No. 7 A 95-96

Serial Nos. 1-3

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-3

Major

~~Part~~ B. for March 1898

SUBJECT

Acquisition of a date grove in the Varavane Gorebidnur Taluk

1 From The Exec Comm No 3299/321 dt 15/20 July 1896 by no 6269/2338. Forwards with opinion copy of correspondence with the D.C Kolar dtd together with the original records re to a date grove at Varavane Honnarappanahalli Village in the Gorebidnur Taluk Said to have been acquired by Shanbhog Honnarappa by fraudulent means

Indexed Sub. Taluk

2 From D. No 634/2326. The Exec Comm No 6526/285 dt 2.3.98 Submits copy of Dy Exec Comm's Memo dtd and solicits early sanction for the acquisition of land No 239 which contains a valuable date grove in Varavane Honnappanahalli Village Gorebidnur Taluk

G. R. S. 58

GPB—4,000—1-7-11

Ex 3661

Authorizes the acquisition of the above land by an amicable Settlement with the holder or under the Provisions of the Land acquisition Act

M K Jarem

Commenced
Measured

Precis of the Kanarese Records relating to a date grove at Varavani – Honnadanahalli village Goribednora Taluk

S.R-7 of 95-96

1 This case has arisen on a reference by the Excise Commissioner to the Deputy Commissioner Kolar in his docket No. 5496/100 dt 14th April 1893 and also on the petition of T. Subrayappa Toddy Contractor Chik Ballapur, that one Honnarappa has fraudulently by the insertion of wrong numbers possessed himself of a valuable date grove — the property of Government. The Sub-Division Officer and Mr. Narayaniengar Excise Assistant Commissioner Kolar have both supported Honnarappa's legal ownership to it, while the Deputy Commr. throughout holding his title on his long possession, apart from its illegal origin, has yet recommended its acquisition by the Government under the Land Acquisition Act. The Excise Commr. lands its acquisition

groves of this Taluk have
been the feeders of the Bangalore
Tumkur and Kolar Districts.

2 The Kanarese records
show the different proceedings
taken by the officers 1st on
the complaint petition 2nd on
the Excise Commrs docket
& the refd to above.

3 The petition above mentioned
was presented by Thimma
Kondayya Subrayappa
Toddy Contractor G. Ballapur
TK to the Amildar of that
TK complaining that date
groves belonging to private
owners but situated within
the limits defined to that
Phirka contractor by the
Govt have been leased
out to contractors of
different Phirka in
violation of Shanoor and
thereby putting them to
much loss and inconvenience.
This petition was sent by
the Amr G. Ballapur to
the Amr Goribidnore who
after examining the

petitioner has submitted a suggestion to the Sub: Divn: Offr. that private owners should be bound to let their trees to the Govt. contractor of that Phirka at the same rate paid by him to Govt.

Meanwhile the Docket of the Excise Commr. refd. to abr. is sent to the Amr. through the Sub: Div: Officer.

The Amr., without any ref: to this Docket, examines Nagashetti Narasayya one of the lessees of the grove in question and Komarappa Narasayya states that he has been a Toddy contractor of Sadali Phirka, and that he & his partners entered into a covenant with the Counterpetitioner & the Divn members of his family — Andalappa & Nanjamma who are tenants in common of the grove in question, that the toddy extracted there shd. not be sold to any one but shd. be taken to their own Phirka.

examination states that he is unwilling to let the grove to the Petitioners as the Petitioner's partner one Hanumanthappa had not paid him correctly when he had taken the lease of the same previously, and had also damaged the trees. The Amn.r submits this to the Sub: Divn.l Officer who in turn submits it to the Dept: Commr. on 11.5.93.

The Dy Commr. on 1.7.93 sends the same Takrar thro' the Sub: Div: Officer to the Amn.r C. Ballapur ordering him to send his Mojinder to the Amn.r Gorikindora in order to make a survey and prepare a map of the land containing the date proving allotted to his Taluk (C. Ballapur).

The Mojindar's map and his report to the C. Ballapur Amn.r are sent to the Sub: Div: Officer. His report dy 10.8.93 says that on examination of the Survey No. 239 in the holding of Konarappa, he finds that Nos. 612-613 are entered as Gaon Jeri in the Chitta

the Chitta of the year Sidhashi and is bounded on the east by hos 224-231 up to the Ditch bordering Honnapanahalli on land, west by ho 224 up to Mogina Jetta Dinne, South by No 242 Inaji 614 in the name holding of Shekappa at the time of survey on pasture Ginure - North by ho 239 up to Kharab land (Poramboke) - valued at a Kandaya + a half. There are Sandal trees, 1 mango tree and the temples of Dharmamma + Immaraya. The Inaji hos 612-613 corresponds in extent more or less to the present ho 239. ~~in extent~~ - During the Phoot Pahani instead of inserting Inaji 614 against 242 and Inaji 612-613 against 239, the Shanbhogue has interchanged the numbers and has Inaji ho 612-613 entered in his brother Shesheppa's name as survey ho 239. In the records Inaji hos 612-613 are entered as Banjaru

before nor is it so at present
as it is overgrown with
date trees. The boundaries
of the kaji No. 614 which
properly belongs to Sherappa
who holds it on grazing tenure
are also given. This number
includes the ditch from
Katanagumballi, Kharab (Paramboke),
some dry land and some
date trees all round. As
it was not possible to make a correct
estimation approximately it
may be about half a candy.
Besides its extent tallies
almost with the present No. 242.
Again on 4.8.93 the Koopinidar
the Toddy Inspector have
made a similar report.
On 16.8.93 the Sub: Div:
Officer orders the Amildar to forbid more
make a personal inspection
the Mist+ report the matter
and on 20.8.93 he is also
reminded of the Excise Commr's
order.
On 30.9.93 the Collector Jafar
examines Konerappa who
proves that the Patta of the Survey
No. 239 was in the name of
late Thimmarayappa Kunde
who transferred it to his (deformed)
sister's name (Sherappa)
one [illegible]

that he was not the officiating Shanbogue of the village either when the land was given on Kandayam tenure or when the land was transferred to Neshappa; that after Neshappa's death it was transferred to the name of his son Nagappa, and next to him to the name of his wife Achamma; that it was only 14 years ago that the Survey Jamabundy was held; that he while paying Kandayam for the waste land (Landas Banjar) planted the dales & improved them; that in a civil suit regarding these dale trees by one Basappa against him the Chief Court had decided in his favor (N.B. Judgment not produced); that he had leased the grove in question twice to the Petitioner Soobrayappa and his partners Kunniappa, Annappa & Naranappa; that he did not remember the year, the month in which it was given & the amount

& his refusal to [illegible]
signed was the cause of this
complaint; that he was the
Shambongpa both during the
Phodl-Pahani & the Survey
Demarcation of the village;
that the Phodl-Pahani book
was prepared by Kharkhoon
Subbrayappaji & that he had signed it;
that against the Survey No.
239 is entered Nos. 613-614;
that in the Chittabe of
the year Siddharthi Inaji 612
is shown to contain within it
Sandal trees, one mango tree,
date trees and the temples of
Dharmaraya & Kodandaraya
— all which is situated in the
present No. 239; that therefore
Inaji 612-613 ought to have been
entered against this number;
that either through clerical
error or ignorance Inaji Nos.
613-614 have been entered
against it; that Inaji 614
was in my brother Shathappa's
Patta; that accordingly
in Zaraini Vasul Baki Patrick
Inaji 614 has been entered
against 239 which he has signed;
that he saw the Jhad Patrick

and that it was purchased by the Kharkhoon; that Nos. 238 & 246 & the names of trees on them are omitted; that he cannot account for it & that he has signed it; that he has a third share in No. 239; that the remaining two shares belong to Narayanna & Andallappa; that as regards the Kandayam of No. 613 he would report reference to the old Dharkast & Duyam No. accounts &c; that the existing trees were reared up by him at his own expense; that ~~he~~ his 613 was not included in 239 & that this No. was formed as usual during the survey by the conjunction of many old Nos. into one survey No.; that 4 Mofussidars were sent to his village & that he was serving each a day; that he could search for & produce the documents ~~to~~ to establish his brother's possession of S. No. 239 for the last 30 years; that this No. has been in their (his & his brother's) enjoyment for 16 years before the Survey Jamabundy & 14 years after it; that this complaint was the outcome of spite & that he asked for ~~S~~ to protect his undisturbed long possession.

recommending that a sufficient
time be allowed to the deponent
to produce his evidence.
Meanwhile there have been
several petitions by V. Subba
-Rayappa Doddy Contractor the
the lessee of the Counterpetitioner Komarappa
have broken his pots &c; and
investigations on this matter
have also proceeded & the
Counterpetitioner has objected
that the petitioner's in order
to ward off the danger that
may arise by his (Petr's) having
cabled (Counter Petr's) his turn,
has been frequently writing
false complaints.
The Amildar on 18.10.93
examines the present Shanbogue
& the place Krishnappa with
reference to the Excise Comm'rs
order. Krishnappa deposes
that there is no number con-
-taining 5000 date trees
assessed at Rs 1-8-0 near
Konappanahalli village & that
that Survey No. 239 contains
innumerable date trees which
may probably amount to
5 or 6 thousand; that this
No measures 21 acres & 9 guntas
assessed at Rs 20 standing
in the name of Shashappa
Komarappa's brother & from

from the time of Jamabandi and since 5 or 6 years after his death the Patta is in the name of his daughter-in-law Hebamma. Shekar been enjoying it; and that he does not know whether the old Shanbhogna Komariah held the above said Rs. 2.39 for grazing purposes or an assessment of Rs. 1-8-0 as he only became a Shanbhogna in the year Vyaya (1886-88) & that he had no old accounts with him.

~~Cir. 13.10.94 Komariah has given~~
~~his statement before me given to the Amildar a long list of documents on which he intended to rely but which is inadmissible, to show how~~
~~as they are embodied in the Register of Inamdars.~~

6 The case further proceeded before the Sub: Div: Officer who on 7.2.94 examined Komarappa, T. Subbarayappa & his partner Immiappa. Komarappa states that he has deposed before the Amn. on this subject & that it was a mistake on his part to have stated there that Inaji 6 & 4 belonged

the land below the Cank was
in their possession & enjoyment
and that he wd prove by
witnesses that Rs 614 was
a Ditch in the Cank & that
he wd prove by means of
documents that he was not
present during the time of the
Inspam & Classification &c.

He produces 3 documents
from the Survey Office the
first of Rs is an extract
from the Register of persons
present during measurement.
In it is an entry that the Kambarpa
was not present. The second
is an extract from the Tippani
Register and the 3rd is from the
Pratti Book (Jain) which contains
the holder's name as Shesharpa
bin Nagappa - Present Ho 239
Inaji Rs 613-614 - The whole
extent area 21 Guntas Nine -
teen cents (3 acres 30 guntas
Kharab, the present is 17 acres 19 guntas.
Soobrayappa deposes that
Ho 239 has belonged to Komarappa
since the Survey January
and he got it by Granduntty
claiming against it Inaji 614
instead of the correct Ho 612-613;
that his complaint was that
it did belong to Govt as it
contains many Standy trees;
that by showing Inaji Rs 612-613

Maj. No. 612-613 against
No. 238 he has retained it 6
for. Rs. and that this contains
very few trees; that before
the Survey he had in his
enjoyment - No. 614; that
people there say that - No.
612-613 contained Seegé
hedge which was put up to
auction by the Govt. every year
that - he did not know much
about the place as he was
a Stranger -

Kumiappa deposes that he
had taken a lease of No. 239
from Komariah for 3 years
before 1888 for Rs. 290; that
he & his partners had done
so before in 1884-85 &
that - he did not know then
that this grove belonged to
Govt. and that Komariah
held it by fraud -

7 The Sub Division officer
on the 1st of April 1894
sends ~~him~~ his docket No. 400
his opinion on the matter;
and nothing is found in the
records from that date
till 9th September 1895
when Mr. Ramayanaiyan
Asst. Commr. Kolar

of Komarappa and sent a memo in English.

Komarappa states on oath in extenso the whole matter having reference to the various documents on which he intended to rely at the hearing only, which he substantiates as follows:—

"It is stated in the Chitta of the year Siddharti that the Bezwari of the hissa 612 is about 2 candies and that it contains Sandal trees, 1 mango tree, and the temples of Dharmarama & Hoobbaraya. It is bounded on the east by his "ditch bordering Honnapanahalli "dry land, west up to his 611 including his 606; north by his 605-606-607 & 603, south by the old tank bund of his 613. Out of this land (612) it is evident from the Dumala his accounts that part of it was given to Thimmarayanakonda for Kandayam and the rest given on grazing tenure.

It is entered in the Dumala his account of the year Pramoodita as follows:—

Piece of land below the breached tank	Extent 5 Kls	Assessment 1-7-3
Part of this his containing 8 palmyras	Extent 10 cawnies	Assessment 0-11-8

"In this account Bhaji Rs. is
"not entered - But the land below
"the breached Tank was Bhaji 6 12
"and 15 Kolagas of Sh. belonged to
"Thimmarayanakonda. And in
"that year's account it is said
"that as he relinquished 5 Kolagas
"it was entered as Balaji and
"the remaining 10 Kolagas on Atul.
"Javal Lemde was transferred
"to Sheshanna. In this it is
"also stated that this 10 Kolagas
"of Sheshanna has been assessed
"at u - 11 - 8 on grazing tenure.
"This Sheshanna is my divided
"brother. Krishnappa was the
"Shanbogue this year and the accounts were prepared by him
" In the Durgam Rs. accounts
"of Angirasa (1872) it is said
"in Sheshappa's Khata that this
"10 Kolagas of land bears an
"assessment of u - 11 - 8 as for
"grazing tenure. The survey
"No. is not mentioned here.
" In the Khata of the year
"Sreemukha (1873-74) there is
"a similar entry.
" In the next year Bhava Bhaji
"Operations commenced, and
"in the year Vikrama the survey
"Settlement was over.
" The Durgam Rs. accounts of the
"year Angirasa is in the handwriting
"of myself, my brother Sheshanna

"appointed Shanbogue in this year (Angirasa)

"I was Shanbogue of Varavani
"from the commencement of
"Anojani down to the Survey
"Settlement.

"In the partition deed exe-
"-cuted on the Ashada Bahula
"Prathame of the year Bhava
"between us the three brothers
"(Subrayappa, Sheshappa and
"myself) a list of property
"is given. This list refers to
"this land as being the grazing
"land below the old tank bund
"of Honnapanahalli. This
"land is to be enjoyed by all
"of us three.

In the Survey Ind, No. 239
Sh. contains 2 acres 9 guntas
of Wh. deducting Kharab 3 acres
30 guntas, the remr. 17 acres 19 guntas
has against it Inaji Nos. 613-614
and this mistake is due either
to clerical error or to ignorance.
Inaji 612 ought to have been entered.
This mistake is also repeated in
the other Survey accounts (Wh.
is explained as meaning Wasul
Baki & Phoot Pahani). In those
accounts only Inaji 614 is
entered. Thus the different entries
i.e. in Ind as 613-614 and in
the two accounts as 614 only, show
that much attention was not
paid in the noting of Inaji Nos.

X Even in this the number of the land does not appear to have been mentioned.

"and this sufficiently accoun
"for the wrong entry.
" There were many Mojuidars
"who noted these accounts.
"I have already produced
"evidence to show that
"I was not present during
"the Mojani. (Vide extract from
"the attendance Register from the
"Survey Supdt's office).
" There ought to have been an
"entry of 612 against 239 for
"Haji 614 is a mere ditch.
"In the Chitta of the year Siddhar
"No. 614 is described as the
"ditch from Kataneganahalli,
"Perambole and the date
"trees all round; it also gives
"the boundaries of this No. and
"it further states that as it
"is not possible to make an
"exact valuation of this ditch
"it may approximately be
"half a Kandaya. This statement
"I explain as meaning that
"the Haji No. had no value.
" As the above Chitta mentions
"that No. 613 was to the South of
"612, and that 614 was to the
"South of 613, 613 must
"have been between these two

"613 must have been the whole
"bund itself.

"As a Bhand has been placed
"on the bund, the front facing
"of the tank must have been
"included in No. 239. Nevertheless
"the extent of Kharab in that
"No. must have been taken
"to mean the bund of the tank.

"But it will be seen from
"the Sud that the whole of
"the Kuji 612 was not included
"in No. 239. A part only was
"so and the remainder was
"included in Nos. 238-246.

"Thad Patrik was prepared
"during the Survey settlement.
"It bears my signature. It
"was prepared by the Phodt Patkari
"himself, & he has signed it.
"Survey No. 239 is not mentioned
"in it. I do not know why.
"It does not contain a heading
"for Khendi lands.

- - - - - - -

"A yield of 10 Khandis may
"require 6 & odd acres of land
"on pasture tenure. But the
"Kojai of the old accounts
"is not correct. During

"the Survey other Kharab
"lands were added to this
"and formed into a number
"making a total of 21 acres
"+ 9 Gunthas. During the
"Survey Settlement date
"trees had no value. The
"income from that source
"was little. At the time
"of Survey No. 239 had
"very few date trees. After
"the land was transferred
"to us we improved it at
"a cost of 20 or 3000 Rs.

"There have been cases
"in Chinna Hagawahalli &
"where Nos. containing date
"trees have been given on
"grazing tenure and No.
"239 has been dealt with
"in a similar manner.

"In the year 1886 when
"on a similar complaint
"and also in obedience to
"the orders contained in the
"Proceedings of the Dewan
"1883, the Amildar sent
"a list of Shendi trees

on private holdings
to the District with his
No. 470 of 25th June 1886,
my No. was also included
in it - I have applied for a
copy of it but I have not
got it till now.
I have signed the Phod-
Pahani but I did not
observe in it that 614 was
entered against 239." &c."
Continuing cl.8th.
It is true that Komarappa has
been in possession of the land since
the Survey Settlement in June
1880. Komarappa himself admits that
against his Survey No: 239 Kaji
Nos: 612 and 613 should have been
entered and not Nos: 613 and 614.
Komarappa says that even before the
survey settlement his brother Seshaffa
was in possn of this land. This prac-
tically amounts to saying that Seshaffa
was in possn of Kaji No: 612. The
complainants contend that Seshaffa
and was Kaji No: 614 and not 612.
Komarappa
Seshaffa himself in his deposition before
Amildar on 30/9/93 says "The patta
No: 614 was in my brother's name. Ac-
cordingly in the Lavani Faisal Patrak,
614 is entered as Survey No: 239.
was examined by the Sub-Divn Officer
on 7/2/94 Komarappa says "I was
ing when I deposed before the Amildar

that Inaji No: 614 was in my brother's Khata."

In their report of 4/8/93 the Inspector and the Survey Inspector says as follows:— There was a similar case in 1886-87. In Yarapathanahalli of Hosur Samat ~~some land~~ a piece of land was, through fraud, entered in the Khata of Kanakappa. This was resumed in 1886-87 and the land was included in Sircar Gonjar (ಸರ್ಕಾರ ಗೊಂಜರ).

The English memos of the Dy. Comr. and the Treasury Assistant Comr. deal fully with the facts of the case

A.S.
17/3/96

Sheet No 2 d (r

The entries in the accounts
prepared by the Kani of the
Settlement seem to be
incorrect, - As a matter of
fact the date from which
-tion (Map No 612) is
included in Survey No 239.
When the land held on
Grab tenure by Kumaraki
-ranthi Sethamba was
Map No 614 or Map No
612 seems immaterial.
At the settlement Survey
No 239 (which map
included Map No 612)
was given to Sethamba.
This took place long
-back as the year 1880.
Meanwhile Kumaraka
Seshagiri Rao and others
including Kumaraka
Rama Swami Naying
filed a petition &
enquiry the land in-
-cluding the grant. That
enquiry, even assuming
Rama Swami, more than
that there was a mistake, all
are agreed that the
Summary resumption
of the grant from

it's Warden is not feasible.
The public interest in the
acquisition of this land
has been strongly recommended by the Mayor
Council of the Legislative Assembly
and Members may therefore be
authorized
to acquire the land
in the manner proposed.

I am sorry that
this file got mixed up
among some of my
old papers & was lost
sight of until a reminder
was received the other
day.

C

12/3/98

approved. It would be better
if an amicable settlement could be
effected & the Bill forwarded
to Parl. This shd be mentioned
to Cabinet by 12/3/98
Issued

Draft accept
Copies attached

12/3/98

Drafted -
PD
15/3/98

Manuscrits 611, 613 Nacional
formen un sol 239, amb-Mss.
Madrid a Vaticà Barberini
ms 614 - Tots ells amb moltes
diferències menors de lectura
613 més bon text a moltes llocs
bo encara més gran bondat.
Gueux Kind) contain ms 613 obra.

En 1875 Hagen 612 i
Cheikh al-Tahawi.

Tots dos Hagen
apogen. Aquest Hagen
reproduceix a molts
Recensions.

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mostrador

612 Bibliotheca 239
archiu (hoch Cheikh.

N 239

224 W

2 - 224 - 231

5

242 (Mai 614)

Comencen a: ms 614 —— 242.
613 — 239
Diferències: ~~612 615 239~~.

Kernenergie — Plutonium 239 —— 613 ?

Kurz 612 contains Uranium,
Isotope & Neutronen aus Uranium
Chemie d. Urans 239 — Uran
Protonen hv. 239 = 612 Cm3
Neutron n 239 = 613 + 614

Isotope Uran Kurz 239 = 614.

Kernenergie 612 im Kernreaktor
Kernreaktor 615 - Einheit
Atomkernenergie Kernenergie Kernkraftwerk —

SECTION S. R
FILE No. 7 Df 95-9
SERIAL No. 1
From
1896. E. F. 339
GL. No. 6349
21 FEB. 96
REVENUE OFFICE

Submitted to the Rt. Hon'ble Secretary of State for India in Council

The Excise Commissioner in Mysore

22/2/96

Let me have a precis of the Vernacular records

27-2-96.

Subd. with a precis. (Regarding Sahel Krishnappa Gt.)

24/3

To

The Secy. to the Govt. of Mysore,
Revenue and General Depts.

Dated 18th February 1896.
Despatched 20th
Received
General No. 3299
No. 321
Enclosure No. 1 Bundle of Vernacular papers
In reply to

SUBJECT

Forwards with opinion copy of correspondence with the Deputy Commissioner Kolar District, together with the original records relating to a date grove at Varavani - Honnappanahalli village in the Gowribidnore taluk said to have been acquired by Shanbogue Honnappa by fraudulent means.

No: 3299 Exc. I/P 321 Bangalore, 18th February 1896

From,

The Excise Commissioner
in Mysore.

To,

The Secretary to the
Government of Mysore
Revenue and General
Departments.

Sir,

I am submitting herewith, for the orders of Government, copy of the marginally noted correspondence, together with the original records received from the Deputy Commissioner, Kolar District, relating to a large and valuable date grove said to have been acquired by Shanbogue Konnarappa at Varavanikottanahalli village in the Gauribidanur taluk, by fraudulent means at the Survey Settlement of the taluk in the year 1880. I have the honor to state that the date grove is situated in Survey No: 239 which appears to have been made up of old number 6[illegible]

1. This office No: 5496/100, dated 14th April 1893 to Deputy Commissioner, Kolar District.
2. Docket No: 2914/1339, dated 9th/14 February 1896 from the Deputy Commissioner, Kolar District and its enclosure.

-ment accounts — "Vasúl Baki" and "Phut Pahani", and of ——— old numbers 613 and 614 according to the entries in the Settlement account "Lud." But on examination of the lands comprised in Survey No: 239, it appears to have been made up of the portions of the old numbers 611, 613 and 612. Komarappa alleges that old number 612 was in the occupancy of his brother Seshanna from whom he got it; but the entries in old accounts indicate that his brother Seshanna held old No: 614 on grazing tenure. It is quite clear that Komarappa had no title to old No: 612, and that he got it at the Survey Settlement of 1880 by incorrectly, if not fraudulently, entering old number 614 which was in the occupancy of his brother Seshanna, against Survey number 239 in the "Vasul Baki" and "Phut Pahani" Accounts in accordance with which the Settlement was effected. To rectify any wrong entries made in the Settlement accounts either thro' mistake or fraud, the time limited was two years as per Survey Rule XLI. But it is now 16 years since the Settlement

no ar introduced into the Taluk. I am therefore of opinion that the Shanbogue cannot be summarily ousted. But as the grove is required for the purposes of Toddy Revenue farm of the Bangalore and Tumkur Districts and nearly the whole of the Kolar District being dependent upon the Gribedenore taluk for the supply of Toddy, it is absolutely necessary that it should be acquired under the "Land Acquisition act."

2. If the fact that Survey No: 239 is a date grove was known to the Settlement Officer, he would have undoubtedly included it in "Date Reserves" as per late Chief Commissioner's instructions laid down in Proceedings No: 4108/34, dated 21st October 1873.

I have the honor to be

Sir,

Your most obedient servant

J Ricketts

Excise Commissioner

in Mysore

GOVERNMENT OF MYSORE

From.

The Excise Commissioner
in Mysore

To

The Deputy Commissioner
Kolar District

Dated 14/19th April 1893.

Camp Nandidroog

No. 5496/100.

Has the honor to request that the Deputy Commissioner will be so good as to enquire and report how the Shanbogue of Hounapanhalli in the Goribedanore taluk, came to obtain a land which is said to contain about 5000 date trees, for grazing purposes. It would appear that he pays only Rs 1-8-0 to Government as assessment for it.

(Signed) L. Ricketts
Excise Commissioner
in Mysore

To

The Deputy Commissioner
Kolar District

The Excise Commissioner
in Mysore

Dated 9/14th February 1896.

Camp. Guttahalli

No. 2914/1339

Enclosures No. 2 & 1 file sent separately by Parcel post.

Sir,

Adverting to your docket No. 5496/100, dated 14th April 1893 requesting a report as to how the thandoque of Honnappanhalli, Goribidnore Taluk came to obtain a land which is said to contain about 5000 date trees, I have the honor to forward, herewith, copy of a memo drawn up by me showing the results of my enquiry into the matter, and to state that if you concur in my opinion, the

Sale

Sub Division officer Chickballapur will be requested to have the land valued by a Panchayet.

2. The original records bearing on the subject as per accompanying Heriat are also enclosed for reference and obliging return when no longer required.

I have &c
(Signed) C. Madiah.
Deputy Commissioner
Kolar District

Memo

I inspected the disputed land this morning with the Amildar, Complainant and Komarappa. With the aid of Sidharti accounts I was able to identify the maji Nos 612, 613, 614 & 611. There can be no shadow of doubt that No 612 runs from the foot of the bund of the breached tank northwards and forms part of Survey No 239. This maji No 612 contains two Gudies Viz of Muthoya and Dharmana, as also the mango tree which are described

in the said accounts. To the South of this Rs. is situated Rs. 613 according to the same accounts. It is described as the old tank bund Purampak. Again to the South is Rs. 614 which is a Hulla diverting from Kattagendahally Hulla and is said to be Purampak, containing date trees all round. During the Survey Settlement portions of maji Nos. 611, 613 and also Rs. 612 have been included and formed into Survey No. 239. But the Vahivadi Baki + Phut Pahani accounts show that the said Survey No. is made up of maji Rs. 614. This entry by the Shanboque is at once misleading and incorrect, evidently made with an ulterior object of taking possession of a superior piece of land viz maji Rs. 612, instead of a Hulla which stood in one Seshappa's name on Hulgaval tenure. Konarappa is Seshappa's brother and the former was the officiating Shanboque at the Survey Settlement. This accounts for the wrong entry as above pointed out.

The Duyam Rs. account which is referred to by the Assistant Commissioner must be rejected as inadmissible in the case as no maji Rs. is entered

were in the occupancy of Timmaraya Konda; but as they are entered below maji No. 576 it may be that there were two other blocks in the said No. as the entry shows the block of land below the breached tank bund to the South.

(Note:- The land in dispute is situated in the bed of the breached tank. Vide entry in Promoduted Duyam No. 576.)

I have noted this down to show how unsafe it is to base our conclusions on guess when we have clear evidence to prove that Seshanna was the Khatedar of maji No. 614; and that the land in question is situated in the bed of the tank above referred to The 10 Kolagas of land transferred to Seshanna by Konda has nothing whatsoever to do with the maji No. 612. Even the "Sud" contains only maji Nos. 613 & 614 against Survey No. 239 but no mention is made of maji No. 612 which he now claims as having been in his brother Seshanna's Khata. That maji No. 612 is of a

in Survey No. 239 will be evident from the fact of its forming parts of Survey Nos. 238, 246 & 243; but this is beside the question, the point at issue being whether any portion of maji No. 612 was ever in the enjoyment of Seshanna.

It is urged that no Nos is given to Hulgaval lands, and strangely enough it is also the case with cultivable land. Timmaraya Konda's land bears no No. It is a portion of this No. that was transferred to Seshanna in Pramodata. I have shown above that the disputed land is entered as 612 in the Sidhanti accounts, and if Komarappa's allegation that Hulgaval lands had no Nos is to be relied upon, there is no reason whatsoever to conclude that the No. of land which was specified in a previous year would be omitted in the subsequent years viz of Pramodata and Angirasa. Hence I am inclined to believe that the land shown against Seshanna has nothing whatsoever to do with maji No. 612.

The omission of date trees from the Jadpatrick is very significant. Komarappa's plea that there was no heading is simply ridiculous. Hulgaval tenure creates no manner of right to land.

The list of division of property produced by Komarappa is inadmissible in asmuch as no Rs. is given to the land and the entry is made by the parties interested.

One noticeable point in the whole case is that the Hulgaval land which was entered in the Khata of Seshanna since its transfer in Pramodita without any number being specified against it, is shown in 179 as Rs. 612 (Vide Patta produced by Komarappa). In these circumstances, I have not the slightest hesitation that Komarappa came by the land by misrepresentation and false entries in the said accounts. There is no doubt, long enjoyment of 16 years in favor of Komarappa,

assessment on the land ever since.
He cannot deny that he has
derived much benefit from the
trees by leasing out the toddy
from year to year. Though Komarappa
deserves to be summarily ousted
from the land on account of
fraudulent possession, yet in
consideration of the long possession
some compensation may be paid
and the land acquired for Government.
If the Excise Commissioner concurs
with me in the above opinion,
the Sub division officer will be
requested to have the land valued
by a Panchayet and the same
intimated to him. Should
Komarappa be disinclined to
part with the land, the law will
have to be set in motion for the
acquisition of the same. Sketch
annexed.

(Signed) C. Madiah
Deputy Commissioner

"Copy"

Mr. Ketts
Excise Commissioner
Mysore

1898

SECTION L. R.

FILE No. 7 of 1898

SER'AL No. 2

From

The Excise Commissioner
in Mysore.

To

The ~~Chief~~ Secretary to the
Government ~~Dewan~~ of Mysore.
General and Revenue Departments

Dated 24th February 1898.

Despatched 2 — 3 — 98

Received

Enclosure No. 2

General No. 6526

No. 285

In ~~reply to~~ continuation of this Office No. 3292/321, dated 18th February 1896.

SUBJECT.

Submits copy of Deputy Excise Commissioner's communication and solicits early sanction for the acquisition of land No. 239, which contains a valuable date grove, in Varavani-Honnappanahalli village, Goribidnore Taluq.

Rev
3.3.98

References (to be entered only in the Dewan's Office.)

4/3/98.

Subs.

The papers are referred to the Secretary. The Survey Settlement Commissioner is requested to institute the enquiry as desired by the Excise Commissioner.

No. 6526 Exc:2
285

Commissioners Office
Bangalore 24th February 1898.
2-3-98.

From

The Excise Commissioner in Mysore.

To

The Secretary to Government,
General and Revenue Departments.

Sir,

In continuation of my letter No. 3299/321, dated 18th February 1896, recommending the acquisition of survey No. 239 which contains a valuable date grove, in Varavani-Homappanahalli village, Goribidnore taluq, and which was obtained by shanboguc Komarappa by fraudulent means at the Survey Settlement, I have the honor to submit herewith, copy of letter No. 72, dated 14th December 1897, from the Deputy Excise Commissioner, and of its enclosure, and to solicit that under the circumstances therein represented, early orders may be kindly passed for the acquisition of the land as recommended by myself and the Deputy Commissioner of the Kolar District in the communication above cited.

I have the honor to be,
Sir,
Your most obedient servant
M Ruccacc
Excise Commissioner
in Mysore.

J.V.S.

From

The Deputy Excise Commissioner, in Mysore.

To

The Excise Commissioner, in Mysore.

Dated 14/17th December 1897.

No. 72.

Enclosure No. 1.

Sir,

In forwarding herewith the Gori-
-bidnur Range Supervisor's report No. 1692
dated 10th December 1897, I have the honor
to state that having personally inspected
the land in question I can fully endorse
all that is said about it in the accompanying
report, and I would request that Govern-
-ment be moved to reserve the land
in question as being of great value as
a Date grove. I would lay particular
stress in this because our reserves in that
Taluq are practically nil and the demand
for trees is already far in excess of what
we are able to supply and seeing that
each tree is of such great value to Govern-
-ment, it is certainly our duty to reserve
all such plots where it is possible without
entailing hardship or loss on the Ryots.

I have etc.

"Copy"

(Sd) W. Vincombe Dan-

Enclosure
2

From H. Leo: 97

The Excise Superintendent
Coimbatore Range

To

The Deputy Commissioner
Excise
at Mysore

Dated 2nd/10th December 1897

No — 1692

Sir,

In obedience to the remarks in my diary of the 9th octo: 97 I submit a separate report regarding the date grove standing in the field known as No 239 of the Hommapannahalli village Coimbatore Taluq, I beg to report that the grove in question covers an area of 21 acres and nine gunta and it is the property of one Thummarappa of Varava Roughly estimated there are about 2000 mature date trees in a flourishing condition on the said field. The soil seems to be very rich with manurial ingredients. This piece of

to the brink of an old -
abandoned tank and on
the other to a stream.

About two years ago
a complaint was made
against the owner of the
field to the fact that he
has acquired by illicit
means the possession
of this valuable property
which belonged to the
Government. It appears
the matter was accordingly
enquired into by the
then Deputy Commissioner
who after inspecting the
ground proposed the purchase
of the same for the benefit
of the Excise department.
But no final orders seem
to have been passed on the
subject, as the land in
question is still in the
possession and enjoyment
of the so-called owner. Under
these circumstances I beg to
Recommend that this piece of land
may be reserved for Government

I beg to remain
Sir,
Your most obedient servant

GOVERNMENT OF MYSORE

Proc^s of the Govt: of Mysore

Read:-

Correspondence ending with ~~Govt: letter~~ letter No: 6526 of 24th February 1898, from the Deputy Commissioner, Kolar soliciting ~~sanction~~ orders for the acquisition of Survey No: 239 ~~being a valuable date grove~~, of the Varavani Honnappenahalli Village, Goribidnore Taluk, ~~said land to have been acquired by fraudulent means by~~ Shanbhog Kumarappa.

Order thereon No: 5765 dtd 31/3/98
Ex 344

From the records received with the above correspondence it is observed that ~~the entries in the accounts prepared at the time of the Survey Settlement seem to be incorrect~~. The date grove ~~in question~~ (Maji No: 612) is included in Survey No: 239: It is immaterial whether the land held on free tenure by Kumarappa's brother Seshappa was Maji No: 614 or Maji No: 612 as at the Settlement prior to the Survey.

The land in question measures 21 acres 9 guntas in Extent assessed at Rs: 20/ and contains a valuable grove of Date trees. The correct Maji No: of Survey No: 239 was not shewn in the accounts prepared at the time of the Survey Settlement in 1880. and the Survey No: was omitted to be shewn in the Pahani

SECTION L. R.
FILE NO. 7 of 1895-96
SERIAL NO. 3

Survey No: 239 (which really included maji No: 612) was given to Seshappa. ~~His took~~ This took place so far back as the year 1880 & Seshappa's sons and others including Kumarappa have since been paying full assessment and enjoying the land including the grove. Under these circumstances, even assuming that there ~~was~~ way ~~occurred~~ something more serious than a mere mistake at the time of the Survey Settlement, the summary resumption of the grove from its holders is not feasible ~~at all events~~. As however the acquisition of the land has been strongly recommended in public interests by the Deputy Comr. and the ~~Excise and the~~ Excise & Deputy ~~Deputy~~ Excise Commissioners, the Government are pleased to authorize the ~~local authorities~~ acquisition of the same ~~to acquire the land~~ by effecting an amicable settlement with the holder, if possible ~~if~~ or ~~otherwise~~ under failing which, the acquisition do,

~~will be made under~~
~~does not accede to any reasonable~~
~~settlement, the first direct that~~
the provisions of the Land ac-
-quisition Act ~~will be applied~~ in Western Australia.

C
16/3/98

HB
15/3/98

VL
16/3/98 Secretary

do

The Excise forms in lieu
~~with the receipts~~
~~of Comptroller~~.

Copied
17/3/98